

Harold M. Somer, Esq.  
Harold M. Somer, PC  
Attorney for Hillrich Holding Corp.  
1025 Old Country Road, Ste. 404  
Westbury, New York 11590  
516 248-8962

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

MS & Sons Corp.

Chapter 11  
Case No. 14-44547-cec

Debtor

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**ORDER VACATING AUTOMATIC STAY WITH PREJUDICE  
AND DISMISSING CASE WITH PREJUDICE**

THIS CASE having come before the court on November 19, 2014 for a status conference and the debtor having appeared by its attorney Karamvir Dahiya, Esq. of Dahiya Law Offices LLC; Harold M. Somer, Esq. of Harold M. Somer, PC having appeared telephonically on behalf of the secured creditor Hillrich Holding Corp. (“Hillrich”) and Nazar Khodorovsky, Esq. appearing on behalf of the US Trustee’s Office; and the debtor having filed a motion without a return date seeking dismissal of the case; and upon the record made on November 19, 2014 whereby the attorneys appearing consented to the relief provided for herein; it is

ORDERED, the automatic stay imposed by 11 U.S.C. §362(a) is terminated with prejudice as to Hillrich pursuant to 11 U.S.C. §§362(d)(1), (4) and 105 in this and all future petitions filed by or against any party other than the debtor that may seek to affect Movant’s rights with respect to the Premises and that the automatic stay shall be deemed annulled in the

event of any such bankruptcy filing by or against the debtor or any party seeking to affect Movant's rights as to the Premises; and it is further

ORDERED, that Hillrich is granted leave to continue with its foreclosure proceedings with respect to the Premises and to seek to enforce its rights under state law; and it is further;

**ORDERED**, that a copy of this Order shall, pursuant to 11 U.S.C. §362(d)(4), be recorded in compliance with applicable State laws governing notices of interests or liens in real property; and it is further

**ORDERED**, that FRBP 4001(a)(3) is waived; and it is further

ORDERED, that the vacatur of the automatic stay as set forth herein shall survive dismissal of the case; and it is further

ORDERED, that this case is dismissed with prejudice to the debtor filing another bankruptcy case absent prior order of this court for a period of two (2) years from the date of the entry of this order; and it is further

ORDERED, that the debtor shall pay to the United States Trustee the appropriate sum required pursuant to 11 U.S.C. §1930 within ten (10) days of the entry of this order and simultaneously provide to the United States Trustee an appropriate affidavit indicating the cash disbursements for the relevant period.